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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,280	11/14/2001	Fredrick Burnet	BOB1338-048B	7667

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EXAMINER

MARKS, CHRISTINA M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/18/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,280

Applicant(s)

BURNET ET AL.

Examiner

C. Marks

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: 1) the Figure numbers and the reference numbers associated with the figures should not be listed in boldface font and 2) the WINDOWS operating system is repeatedly referred to as the Window operating system.

The use of the trademarks PALM, WINDOWS, LINUX (see page 4) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner that might adversely affect their validity as trademarks.

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the output processing system (Claims 9-17) as well as a flow chart to depict the method claims (Claims 17-18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 3, 5, 9, 11, 14 and 18 are objected to because of the following informalities:
The claims are not separated by a line indentation when the claim sets forth a plurality of elements or steps. Each element or step should be separated by a line indentation. See 37 CFR 1.75 and MPEP §608.01(i)-(p).

Information Disclosure Statement

The information disclosure statement filed 29 November 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file and the Examiner has printed a copy of each reference because they were U.S. Patents and thus easily accessible. However, in the future, any documents cited in a PTO-1449 should be included in their entirety in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-14, 17, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Acres et al. (US Patent No. 5,741,183).

Though specific sections of the Acres et al. document may be cited, the rejection is based upon the disclosure of Acres et al. in its entirety.

Acres et al. disclose an apparatus for storing and collecting game data (Column 6, lines 64-65). The apparatus includes a game processing system (FIG 1) that includes a main controller (FIG 1, reference 18) and a plurality of unit controllers (FIG 1, references 12, 14, 16, etc.). The system further comprises a data output system (FIG 2, reference 40) in communication with the game processing system (Column 9, lines 38-40) that keeps track of the coins in, coins out, coins to drop, games played, jackpot occurrence, and other related gaming functions (Column 8, lines 47-50). The data output system has a processor (FIG 2, reference 46) in the form of a micro controller (Column 8, lines 62-63) that serves as an output processing system for the output data to be sent to the game processing system, a plurality of I/O ports (FIG 2, reference 220, 224, 226, 225), a memory (FIG 2, reference 48) and a communications port (FIG 2, reference 201). The communications port connects the data output system to the data collection unit (FIG 1) in order to send accounting data. The system further comprises a data collection unit in the form of a file server (FIG 1, reference 32) in communication with the data output system (Column 32, lines 23-28) to communicate accounting data (Column 7, lines 1), such as the data disclosed above, to and from data output system (Column 32, lines 30-40). The data collection unit can be in wireless communication (Column 37, lines 51-54) with the data output system via the communication port (FIG 2, reference 201). Inherently, the game processing system has a clock as the system is essentially a computer and computers are notoriously well known to use clocks as the clock signal it is inherent to their processing.

In regards to the method claims 18 and 19, Acres et al. also disclose a method of operating an accounting system for game data (Column 1, lines 10-12). The method includes operating a game having a game processing system (Column 2, lines 50-55). The accounting

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data is stored in the game processing system in the form of messages (Column 32, lines 38-40).

A connection, embodied as wireless (Column 37, lines 52) is established between the game and a data collection unit (FIG 1) and the accounting data is sent to and stored on the data collection unit (Column 7, lines 43-46). The data can then be processed on the data collection unit into reports (Column 7, lines 46-49). The data is collected during the operation of the gaming device (Column 8, lines 47-50) thus not interrupting the performance of game play. The method also includes presenting an award of a prize to a player as cash and jackpots can be paid (Column 8, lines 48-49).

Though the system of Acres et al. is directed towards monitoring of a casino, one of ordinary skill in the art considers casinos, arcades, and any amusement area to be synonymous within the art. In the instant case, each contain devices created for the purpose of user amusement where the user interacts with the device in order to obtain a payout of a prize or a cash amount.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6, 7, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres et al. (US Patent No. 5,741,183).

What Acres et al. disclose has been discussed above and is incorporated herein.

Acres et al. disclose that the communication within the network of the system can be a wireless or a high-speed network embodiment. Acres et al. do not disclose the exact method to which the communication port implements the wireless data transmission.

The noted means of communication claimed are all notoriously well known in the art as ways to perform a data transmission over a network and thus their use would have been obvious to the system of Acres et al. that discloses such a high-speed or wireless network.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,971,850: Player incentive system in the form of either a slot machine or an arcade game wherein an accounting device is used to record changes in symbols.

US Patent Application Publication: Activity management system for coin operated systems including video arcade games wherein a management station uses a portable and wireless handheld management transponder to receive information about the status of the activity station including accounting information.

US Patent No. 4,611,808: A system of collecting data accumulated by a gaming machine relating to the operation of the machine including accounting data. The devices use a portable receiver to obtain the data.

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US Patent No. 6,547,131: Data system with a plurality of machines connected to a main controller wherein accounting surveillance is incorporated.

US Patent No. 6,508,710: Administrative interface connected to a server for use in account information in regard to the player interface.

US Patent No. 5,429,361: System for obtaining accounting data from a player station using a portable data collection unit.

How Stuff Works: Wireless Networking: Document depicting the state of the art in wireless networking including the use of radio and IrDA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Friday (7:30AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace can be reached on (703)-308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.


cmm

April 15, 2003



**MICHAEL O'NEILL
PRIMARY EXAMINER**